

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, September 21, 2015

The Common Council was convened at 7:00 p.m. and was called to order by President

The roll being called, the following answered to their names: Council Members Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, and O'Brien.

Also present was the following staff: Nala Woodard, Barbara Samel, Patrick Jordan and Cashawna Parker.

Council Member Igoe led the Pledge of Allegiance.

PUBLIC HEARING

1. Dan Hershberg, Developer

PUBLIC COMMENT PERIOD

1. Shadi Khadvi, 56 1/2 Spring Street, Albany, NY (Support Ordinance 42.81.15 (Expansion of the Washington Park Historic District));
2. Marlon Anderson, West Hill, Albany, NY (Violence committed by young offenders);
3. Lisa Crompton, Historical Albany, 89 Lexington Avenue, Albany, NY (Support Ordinance 42.81.15(Expansion of the Washington Park Historic District);
4. Jackaline Ring, 66 Chestnut Street, Albany, NY ((Support Ordinance 42.81.15(Expansion of the Washington Park Historic District);
5. John-Jay Steinhardt, 680 Central Avenue, Albany, NY (PEGOB applicant);
6. Klenton and Denise Landy, Sr., 4 Grey Fox Lane, Albany, NY (Support Ordinance 35.51.14 conveyance 162 Spring Street to Morning Star Baptist Church);
7. Dannielle Hille, 46 Myrtle Avenue, Albany, NY (Support Resolution 67.92.15R in relation to "Raise the Age");
8. Alicia Barraza, 18 Ten Broeck Place #2, Albany, NY (Support Resolution 67.92.15R in relation to "Raise the Age");

President Pro Tempore Conti made a motion to extend public comment period for an additional 30 minutes, which was approved by unanimous voice vote.

9. Aisha Dixon, 19 McCarty Avenue, Albany, NY (Support Resolution 67.92.15R in relation to "Raise the Age");
10. Amani Olugbala, Albany, NY (Support Resolution 67.92.15R in relation to "Raise the Age");
11. Reverend Valerie Faust, 35 Wellington Avenue, Albany, NY (Support Resolution 67.92.15R in relation to "Raise the Age");
12. Brad Hansen, 144 South Hawk Street, Albany, NY (Support Resolution 67.92.15R in relation to "Raise the Age");
13. Morris D'Absolon, 542 New Scotland Avenue, Albany NY (Support Resolution 67.92.15R in relation to "Raise the Age");

14. Raige, 1335 1st Avenue, Watervliet, NY (Support Resolution 67.92.15R in relation to "Raise the Age");
15. Jason D'Cruz, 56 1/2 Spring Street, Albany, NY (Support Ordinance 42.81.15 in relation to the expansion of the Washington Park Historic District);
16. Mark Bronson, 80 Spring Street, Albany, NY (Support Ordinance 42.81.15 in relation to the expansion of the Washington Park Historic District).

There being no further speakers, the President declared the Public Comment Period closed.

CONSIDERATION OF LOCAL LAWS:

The local laws on the pending agenda were held at the request of President Pro Tempore Conti

REPORTS OF STANDING COMMITTEES:

Law, Buildings and Code Enforcement - Chairperson Igoe reported that the committee met on September 17, 2015 to discuss parking amnesty, which was reported out of committee favorably.

CONSIDERATION OF ORDINANCES

Council Member Conti asked for passage of ORDINANCE NUMBER 42.81.15 (AN ORDINANCE AMENDING ARTICLE XII (GENERAL PROVISIONS) OF PART 4 (HISTORIC RESOURCES COMMISSION) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EXPANDING THE WASHINGTON PARK HISTORIC DISTRICT), which had been previously introduced.

The ordinance passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough and O'Brien

Affirmative 13 Negative 0 Abstain 0

Council Member Igoe asked for passage of ORDINANCE NUMBER 44.91.15 (AN ORDINANCE AUTHORIZING AND ENACTING THE IMPLEMENTATION OF A PARKING VIOLATIONS AMNESTY PROGRAM (2015) AND AMENDING CHAPTER 247 OF THE CODE OF THE CITY OF ALBANY ACCORDINGLY), which had been previously introduced.

The ordinance passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough and O'Brien

Affirmative 13 Negative 0 Abstain 0

Council Member Bailey moved to amend ORDINANCE NUMBER 35.51.14 on behalf of Council Member Krasher and as amended asked for passage and a roll call vote thereon:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 162 SPRING STREET IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO MORNING STAR MISSIONARY BAPTIST CHURCH

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to the property known as 162 Spring Street (Tax Map #65.62-3-7) be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to Morning Start Missionary Baptist Church.

SUBJECT to all easements, restrictions and rights-of-way of record.

Section 2. It is hereby determined that the aforesaid property have been abandoned for municipal or public purposes.

Section 3. The form, content, terms and conditions of such conveyance shall be approved by the Corporation Counsel and shall be subject to the approval of the Board of Estimate and Apportionment, and if approved by said Board, the Mayor is hereby authorized and directed to execute a proper deed of conveyance for a valuable consideration.

Section 4. This ordinance shall take effect immediately.

The ordinance passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough and O'Brien

Affirmative 13 Negative 0 Abstain 0

Ordinance Number 35.51.14 was co-sponsored by Council Member Kornegay.

The remaining ordinances on the pending agenda were held at the request of President Pro Tempore Conti.

CONSIDERATION OF RESOLUTIONS

Council Member Bailey introduced RESOLUTION NUMBER 66.92.15R, which was approved by unanimous voice vote:

**RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE CAPITAL REGION
20.20 REVITALIZATION PLAN FOR FUNDING FROM THE NEW YORK UPSTATE
REVITALIZATION INITIATIVE**

WHEREAS, the New York Upstate Revitalization Initiative (URI) was created by Governor Cuomo and the State Legislature as part of an overall program aimed at systematically revitalizing the economy of Upstate New York; and

WHEREAS, the URI process, is being conducted in conjunction with the fifth year of the Regional Economic Development Council program, and will result in the award of up to \$500 million to three

selected regions with such selection based on a Revitalization Plan prepared by the region that identifies how the region will make transformative improvements to its economy; and

WHEREAS, the Capital Region has prepared the Capital 20.20 Revitalization Plan with a focus on a five year timeframe with the goal of creating and maintaining high-paying permanent private sector jobs and luring private sector investment in amounts that are significant to the region; and

WHEREAS, concepts addressed in the Capital 20.20 Revitalization Plan include innovation, private sector investment, sustainability, connectivity, global initiatives, workforce development, utilization of hard-to-place workers, community reinvestment, collaboration, readiness and implementation; and

WHEREAS, the Capital 20.20 Revitalization Plan also identifies other sources of state programs and funding to be used to supplement other funding sources allowing the region to accomplish our established priorities; and

WHEREAS, the Capital 20.20 Revitalization Plan identifies our region's grand vision for the long-term, is data driven, and is based on our region's strengths while describing how we will overcome our weaknesses; and

WHEREAS, the process of developing of the Capital 20.20 Revitalization Plan included engaging the community through multiple public forums and meetings, engaging all stakeholders and constituencies; and

WHEREAS, the development of the Capital 20.20 Revitalization Plan drew from all business sectors, geographic areas, levels of government, universities and colleges, the not-for-profit sector and the general public to present a comprehensive, universally supported plan that this region is ready, willing and able to implement to truly transform the Capital Region of New York State.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council expresses its unconditional support for the Capital 20.20 Revitalization Plan and pledges its willingness to work to implement this Plan in concert with all the stakeholders and citizens within the Capital Region.

**Note: Council president McLaughlin spoke on this resolution prior to passage.*

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough and O'Brien

Negative – Commisso

Affirmative 12 Negative 1 Abstain 0

Council Member Bailey introduced RESOLUTION NUMBER 67.92.15R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL IN SUPPORT OF RAISING THE AGE OF CRIMINAL RESPONSIBILITY IN NEW YORK STATE AND URGING ALL DECISION-MAKERS WITHIN THE CRIMINAL JUSTICE SYSTEM TO IMMEDIATELY TAKE STEPS TO REDUCE THE INSTANCES IN WHICH YOUNG PEOPLE UNDER THE AGE OF EIGHTEEN ARE GIVEN HARSH ADULT SENTENCES IN ADULT PRISONS

WHEREAS, New York State is one of only two states in the United States which has set the age of criminal responsibility at 16, thereby prosecuting all 16 and 17 year olds as “adults” in adult courts and subject to adult sentences in adult prisons; and

WHEREAS, a state-wide campaign had emerged in the past several years to “raise the age” of criminal responsibility in New York State to 18; and

WHEREAS, the Governor’s Commission on Youth, Public Safety and Justice issued a comprehensive report in 2014 recommending, among other policy changes, raising the age of criminal responsibility in most instances to 18; and

WHEREAS, extensive research has demonstrated that the incarceration of adolescents in adult jails and prisons results in higher suicide rates, higher rates of sexual abuse, higher rates of recidivism and causes significant and long-term mental and emotional trauma to such young people; and

WHEREAS, processing all 16 and 17 year olds as “adults” in the criminal justice system disproportionately impacts on young men of color who are substantially over represented among youth who are arrested at age 16 and 17 and who end up incarcerated; and

WHEREAS, this over-representation of youth of color in our adult jails and prisons has far-reaching negative ramifications for the individual youths incarcerated as well as for their families and communities and, therefore, for our entire community; and

WHEREAS, youth prosecuted as “adults” can end up permanently marked as “felons”, with a host of legal and extra-legal consequences, including limitations on the right to vote, and restrictions regarding access to higher education, housing and jobs; and

WHEREAS, as has been recognized by the U.S. Supreme Court, scientific research into brain development has revealed that portions of our brains, including those governing impulse control, develop far later than previously thought, not until the early to mid-20s; and

WHEREAS, adolescence is a time of mental and social development and adolescents respond more fruitfully to rehabilitation efforts rather than harsh punishments; and

WHEREAS, despite the recommendations in 2014 of the Governor’s Commission on Youth, Public Safety and Justice, New York has yet to enact any significant changes in the manner in which 16 and 17 year olds are treated in the criminal justice system; and

WHEREAS, the failure on the part of New York State to enact needed changes in the treatment of 16 and 17 year olds has an impact on many young people and families in the City of Albany as many such young people are processed as “adults” in our courts and are exposed to harsh sentences including lengthy jail or prison sentences in adult jails or prisons including , but not limited to, the case of a young African-American citizen of Albany, Marquis Dixon, who was arrested at age 16 for an alleged robbery and ended

up, after being convicted at trial of robbery 1st degree, being sentenced to a determinate prison term of nine years in an adult prison; and

WHEREAS, even in the absence of state legislative action, local law enforcement agencies, prosecutors and courts could take cognizance of the need for change in regard to the treatment of 16 and 17 year olds in the legal system and could exercise greater discretion, compassion and leniency in the place of imposing harsh adult prison sentences on our young people.

WHEREAS, the City of Albany Police Department in conjunction with the County of Albany has recognized the problem of imprisonment of low level offenders in general and the strain on criminal justice resources and will be developing a program to reduce recidivism while advancing public safety and public health. The program is known as Law Enforcement Assisted Diversion (LEAD.) Under LEAD, police officers may exercise their discretion and divert individuals for certain low-level criminal offenses like drug possession; instead of being arrested and going through the regular criminal justice process, the individual is referred to a case manager, who then facilitates access to a comprehensive network of social services, and

NOW, THEREFORE, BE IT RESOLVED, that the Albany Common Council expresses our collective belief in the inherent value and potential of all of our young people and, further, our commitment to ensuring that all young people are provided all possible opportunities to succeed as adults, including educational resources, recreational opportunities, counseling and rehabilitation (if needed), and love.

BE IT FURTHER RESOLVED, that the Albany Common Council calls upon the New York State legislature to promptly enact “raise the age” legislation raising the age of criminal responsibility in New York to 18.

RESOLVED, that the Albany Common Council calls upon all local law enforcement agencies, prosecutors and courts to immediately take cognizance of the need for change in regard to the treatment of 16 and 17 year olds in the legal system and to immediately begin exercising greater discretion, compassion and leniency in the place of imposing harsh adult prison sentences on our young people.

RESOLVED, that a copy of this Resolution, suitably engrossed, be transmitted to the City of Albany’s elected representatives in state government and to all local law enforcement agencies, prosecutors and courts.

**Note: Council Members Bailey, Conti, Kornegay, Golby, Doesschate and President McLaughlin spoke on this resolution prior to passage.*

The resolution passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough and O’Brien

Affirmative 13 Negative 0 Abstain 0

Resolution Number 67.92.16R was co-sponsored by Council Members Applyrs, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson.

Council Member Herring introduced RESOLUTION NUMBER 68.92.15R, which was referred to the Planning Committee

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE APPOINTMENT OF MARTIN R. DALEY TO THE BOARD OF ZONING APPEALS

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter appointed Martin R. Daley as a member of the Board of Zoning Appeals.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the appointment of Martin R. Daley to the Board of Zoning Appeals for a term of office to expire December 31, 2017.

Council Member Herring introduced RESOLUTION NUMBER 69.92.15R, which was referred to the Planning Committee

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF JENNIFER D. GERAGHTY AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, and Section 42-85 of Chapter 42 of the Code of the City of Albany, appointed Jennifer D. Geraghty as a member of the Historic Resources Commission.

NOW, THEREFORE, BE IT RESOLVED, that Jennifer D. Geraghty is hereby confirmed as a member of the Historic Resources Commission for an unexpired term ending December 31st, 2016.

Council Member Commisso withdrew Resolution Number 13.31.15R (MC) (As Amended).

Council Member Herring asked for passage of RESOLUTION NUMBER 61.82.15R (MC) (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF MARTIN D. HULL AS A MEMBER OF THE PLANNING BOARD), which had been previously introduced.

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough and O'Brien

Affirmative 13 Negative 0 Abstain 0

The remaining Resolutions on the pending agenda were held at the request of President Pro Tempore Conti.

MISCELLANEOUS AND UNFINISHED BUSINESS:

Majority Leader Herring offered the following, which was approved by unanimous voice vote:

RESOLVED THAT THE FOLLOWING PERSONS BE AND HEREBY ARE APPOINTED COMMISSIONERS OF DEEDS FOR THE CITY OF ALBANY, NEW YORK FOR THE TERM ENDING DECEMBER 31, 2016, AND WAIVE THE READING OF THE NAMES:

1. Jaimz Edwards Jr, 24 Limerick Drive, Albany, NY 12204

President McLaughlin discussed her trip to NYC to attend a NYS Democrat Committee Meeting and an annual luncheon where a Senator was given an award for her work and Hilary Clinton was present. The theme was supporting young women in government. She congratulated Council Member Applyrs who was a speaker at that event and stated that she was proud of Council Member Applyrs' presentation.

ADJOURNMENT

A motion was made for adjournment.

President McLaughlin stated, hearing no objections, that the Council was adjourned.

A true record of the Common Council Minutes of September 21st, 2015.

CASHAWNA PARKER
Legislative Aide to the Council